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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,941	03/31/2000	Allen J. Klein	300202	3193

7590 05/03/2005

Allen J. Klein  
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Greenacres, FL 33463

EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/540,941

Applicant(s)

KLEIN, ALLEN J.

Examiner

Nasser Ahmad

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Upon further review of applicants' arguments in the Appeal Brief of September 7, 2004, the prosecution of the application is being reopened in view of applicant's position that the secondary reference of Patent No. 5,806,181 ( Khandros) is an improper reference. This is inspite of informing the applicant that the inadvertent typographical error and that the correct reference should be Patent No. 5,866,181 (Hill) in the Office Action of January 21, 2004. It is also noted that the PTO-form 892 attached to the Office Action of June 4, 2003 lists the correct Patent number and the Office Action, in paragraphs 6 and 7 refers to "Hill" correctly.

Hence, the prosecution is being reopened and an action on the merit follows.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd (6010724).

Boyd relates to a wrapping system comprising a sheet member (10) having an upper face (14) and a lower face (12), and a removable adhesive (16, 18) disposed on the lower face. The adhesive remains removable for an initial period of at least about 30 days because the adhesive stays removable. The adhesive comprises acrylic based (col. 3, lines 1-3). The sheet material can be paper foil, cellophane, polymer film, etc.

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(col. 2, lines 30-33) and can have barrier layer like wax on one surface (col. 2, lines 34-37), wherein the wax is understood to be nonstick material. Figure-1 shows the adhesive in a striped pattern. The adhesive strips are macroscopic as shown in the areas of 16, 17 and 18 in the drawings.

The adhesive of Boyd and the instant claimed invention are both acrylic based and hence, would exhibit same properties, inherently such as remaining removable for at least 30 days and the claimed peel strength of 0.5 to 2.5 pli , as claimed, because the adhesive stays removable.

The phrase "becomes non-removable...initial period" is directed to a future use of the product and has not been given any patentable weight because said phrase is not found to be of positive limitation.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-10 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Hill (5866181).

Boyd , as discussed above, fails to teach that the adhesive is in a regular repeating pattern. Hill relates to a wrapping assembly wherein the adhesive is provided in a discrete pattern of spaced adhesive stripes (abstract and figure-3) to provide for detachability but not inadvertent detachability. The adhesive stripes leaves uniformly dispersed discontinuities. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Hill's teaching of using repeating and regular pattern of adhesive strips in the invention of Boyd with the motivation to prevent inadvertent detachability.

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Use of a release liner to cover the adhesive and protect it from adverse conditions is well known and conventional in the adhesive art.

As for the adhesive being repositionable for at least one day and its peel strength, it would have been obvious to one having ordinary skill in the art because Boyd's adhesive stays repositionable and said repositionable adhesive would exhibit the peel strength as claimed.

4. Claims 11-14 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Hill.

Boyd and Hill, as discussed above, fails to teach that the adhesive pattern can be checkered, crisscrossed, scallop, or reverse scallop. It would have been an obvious matter of design choice to modify Hill by providing said adhesive pattern, instead of the striped pattern, to provide for aesthetic appeal.

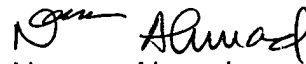
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
April 29, 2005.

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
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